

Washington County Land Use Authority Meeting
April 09, 2013

The Washington County Land Use Authority Meeting was held Tuesday, April 09, 2013 in the Council Chambers of the Washington County Administration Building located at 197 E. Tabernacle, St. George, UT. The meeting was convened at 1:30 p.m.

Commissioners present: Doug Wilson, JoAnn Balen, Julie Cropper, Deborah Christopher, and Mike Stucki.

Excused: Dave Everett, Kim Ford, and Rick Jones.

Staff present: Scott Messel, Planning & Zoning Administrator; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Eric Clark, Deputy Attorney; and Doreen Bowers-Irons, Planning Secretary.

Chairman Doug Wilson convened the meeting He welcomed and thanked everyone for attending. He led the Pledge of Allegiance, after which, he explained meeting protocol.

I. CONDITIONAL USE PERMIT EXTENSION. Review the Conditional Use Permit extension for a Communication Tower located west of Highway 18 at Milepost 36, Big Mountain Communications Facility in Section 4, T38S, R16W, on Forest Service property near Enterprise; Verizon Wireless, applicant /Pete Simmons, Technology Associates International Corporation, agent.

Mr. Messel reported this is the 5th extension for a communication tower located east of Highway 18 at Milepost 36 between Central and Enterprise. The project is almost complete with the final inspection needed. The permit (#6227) was issued on March 25, 2011 and the footing was inspected on September 19, 2011. The applicant is currently working with Rocky Mountain Power to get power to the site. Communication towers are conditionally approved within the OSC-20 zone. As previously reviewed, the applicant submitted the site location plan and photos of the project site showing what the site looks like. The Forest Service agreements were to be signed at the beginning of 2010 (see copy of previous minutes). There is a requirement for collocation and the accessory equipment shelters are existing. This application meets the requirement for a “lattice type” tower. There is no need to create a “fall” zone; as this property is located a great distance from other private property. The leased area is 100’ x 100’ and the tower is located on the north side of the parcel. The steel lattice tower is 86’ in height with an underground concrete foundation. A 6’ tall chain-link fence with barbed wire surrounds the perimeter for security purposes.

RECOMMENDATION:

Staff has reviewed and recommends the Planning Commission approve the conditional use extension for the Verizon Wireless Communication Tower.

Chairman Wilson said this has been reviewed a number of times and the tower is already built. Mr. Messel concurred.

Commissioner Stucki asked why the power was with Rocky Mountain and not Dixie Escalante Power as they are the entity who provides the power through that area.

Mr. Gardner stated the applicant could answer that question but his understanding was it was one of Rocky Mountain Power’s communication towers.

Pete Simmons, representing Verizon Wireless reported on the progress of the project. He said the tower is a collocation tower and they are still working with Rocky Mountain Power for the antenna and facility work. He thought the project would have been completed by now but they are still waiting on issues and hope to have the project completed by the end of the summer. The project originated and was built by Verizon Wireless then sold to Rocky Mountain Power to meet some of their future needs for microwave shots.

Commissioner Stucki asked for clarification of ownership for the tower. Mr. Simmons stated the tower was originally built by Verizon then sold to Rocky Mountain Power who is the current owner. Mr. Stucki then asked who owned the land the tower sits on. Mr. Simmons replied it was on BLM land.

A discussion regarding ownership of the tower and its construction occurred where Mr. Simmons explained the final plan for the tower.

Commissioner Stucki asked Mr. Gardner about the building permit and inspections of the tower. Mr. Gardner stated the tower was permitted, constructed, and inspected. They are waiting for the power to charge up the tower and equipment at which point a final inspection would be done.

The surrounding vicinity towers were discussed with relationship to this tower.

Motion: Commissioner Stucki MOVED to approve the conditional use permit extension for one year for the Verizon Wireless Communication Tower located west of Highway 18 at Milepost 36, Big Mountain Communications Facility in Section 4, T38S, R16W, SLB&M on Forest Service property near Enterprise; Verizon Wireless, applicant/Pete Simmons, Technology Associates International Corporation, agent. Commissioner Christopher SECONDED. The motion carried with all four (4) Commissioners voting in favor.

II. PUBLIC HEARING AND ZONE CHANGE. Review a request to change a recently de-annexed parcel from Hurricane City into Washington County. The proposed zone is RE-40.0 (Residential Estates 40,000 sq. ft. lot) zone; as per the zone change provision of the Washington County Zoning Ordinance. Fernwood LLC, Sky Ranch Phase 6, LLC, applicant.

The planner stated because the items are related he combined the two items for the public hearing and the subdivision in the staff report but two different motions will be required. He stated the commission would need to open the public hearing.

Motion: Commissioner Stucki MOVED to open the public hearing for the zone change. Commissioner Cropper SECONDED. The motion carried with all four (4) Commissioners voting in favor.

Mr. Messel reported the applicant has submitted application for an eight (8) lot subdivision on approximately 17.06 acres. The property was recently (de)annexed from Hurricane City and is now in unincorporated Washington County. With this change, a zoning designation needs to be assigned. The proposed zone is RE-40.0 (Residential Estates 40,000 sq. ft. lot). The proposed eight (8) lots meet the minimum lot size requirements for the zone. The lots range in size from 45,234 to 114,717 sq. ft. The applicant has submitted a letter from Hurricane City requesting that the road be constructed to their Rural Roadway Street Standard, which does not include curb, gutter, and sidewalk. Staff does not have the authority to deviate from the county road standard. Only the County Commission may waive that right.

ZONE CHANGE RECOMMENDATION:

Staff has reviewed and recommends that the Planning Commission approve the Residential Estate (RE-40.0) zoning designation for the above mentioned property approximately 17.06 acres.

A discussion between Staff and the Commission regarding the rezone, current zone of the property, the best zone for the development and the square footage of the lots took place where it was determined the proposed property should be in harmony with the surrounding area which has a higher zoning designation.

Todd Edwards, County Engineer stated he does not oppose the zone change. He reported that the de-annexation did not include the surrounding roads, which are within Hurricane City limits and will remain Hurricane City Roads. Hurricane has requested the roads and properties be constructed within Hurricane City's street standards, which are less than the County's standards. Also, Hurricane City requests that they review and approve any construction drawings. The water to the project is being supplied by Hurricane City.

A lengthy discussion occurred regarding why the property was de-annexed from the county and why the roads were not. The de-annexation was based on the power for the project as Hurricane would not provide power and Rocky Mountain would but no franchise agreement could take place. Basically, the roads were kept for B & C Road funds

The utilities for the project were discussed along with the drainage and platting of the subdivision. The letters for the subdivision from the Southwest Health Department and Ash Creek Special Sewer District have not been received from the applicants at this time.

Reed Pope, Engineer of the project representing the applicants, reported Ash Creek will not provide the letter until after their next meeting, which won't be until April 23, 2013. All applications for the septic systems have been submitted to the Health Department and are currently waiting approval.

Commissioner Balen commented on a letter received by staff submitted by a resident of the area, Jeremy Brown, who was unable to attend the meeting. He suggested some changes to the plat, which increased the lot sizes. Mr. Pope responded to the comments in the letter from Mr. Brown. He stated the lots would end up being too large and less owners for support to the runway. Part of the dilemma is to have enough income to support the runway maintenance. If the lots get over a certain size, there are additional problems with maintenance and upkeep.

A lengthy discussion occurred over the preliminary plat. The discussion included lot sizes, access, frontage, width, and various other items. The project will be constructed in "phases". It was suggested to table the item for additional information.

Johanna Hevelone reported she owns property on the west side of the project. This property being discussed is on a hill. She was concerned with the drainage from the property running into her property. She would like to see the drainage concerns addressed. Commissioners Christopher and Balen explained that by law, the drainage would need to be addressed by the engineers to remain on its own lot. Before the final plat is completed for approval, those issues will be addressed and approved.

Mr. Edwards stated once the preliminary plat is approved the engineers would do a drainage study to control any drainage problems so that the surrounding properties will not be impacted. Then, before the county issues final approval, they will review the plat to ensure all improvements are addressed properly. He explained how the drainage would be completed.

Mr. Pope stated the drainage will be engineered to keep it within the requirements.

Motion: Commissioner Balen MOVED to close the public hearing for the zone change. Commissioner Stucki SECONDED. The motion carried with all four (4) Commissioners voting in favor.

Motion: Commissioner Balen MOVED to recommend the County Commission approve the zone change for Fernwood Sky Ranch Phase 6 LLC to the Residential Estate (RE-40) zone as requested. Commissioner Stucki SECONDED. A discussion on the motion and zoning took place after which a roll call vote was taken;

Commissioner Balen	Aye
Commissioner Cropper	Nay
Commissioner Christopher	Nay
Commissioner Stucki	Nay

The motion failed and the rezone request was denied.

Chairman Wilson stated the motion did not pass and therefore, the commission cannot act on anything further. He proposed the item be reviewed at the next meeting if changes are to be made to the rezone request. Mr. Edwards asked for direction for the frontage of the lots if the area was zoned in a different zoning classification.

A lengthy discussion regarding the zoning for the property and the subdivision continued. The applicants will work with staff to bring back changes to the commission at the next meeting.

III. PUBLIC HEARING AND PLAT APPROVAL. Review request for preliminary plat approval for Grassy Meadows Sky Ranch Phase 6, an 8 lot subdivision 17.06 acres. The applicant is Fernwood LLC, Sky Ranch Phase 6, LLC.

Mr. Messel reported Staff has reviewed the proposed preliminary plat and recommends the Planning Commission approve the preliminary plat subject to the following conditions:

1. A letter of feasibility from the Southwest Utah Public Health Department on water systems and septic or sewer system be submitted to the County Planning Staff prior to the April 09, 2013 Planning Commission meeting.
2. A letter of feasibility from Ash Creek Special Sewer District be submitted to the County Planning Staff prior to the April 09, 2013 Planning Commission meeting.

If the above mentioned conditions have not been met, then Staff recommends the scheduled public hearing be held and then table the item until those issues have been met.

Commissioner Stucki commented on some lot splits in Brookside where illegal lot splits occurred. He suggested that the properties be zoned with a 2.5 acre requirement.

A lengthy discussion on the size of the lots and the zoning of the property occurred. It was suggested that the lots in the future could be subdivided to an additional lot if they were zoned with the RE-40.0 zone, which would be an impact to the area. An opportunity exists to prevent that from happening by zoning the property with an increased zone. The discussion included the number of septic permits allowed for the property which was a total number of eight (8) and a possible future sewer system. Also discussed was to allow a spot zone of the lots that would change the setback and width requirements.

After a very lengthy discussion on the current zoning of the parcel and how the property should be zoned to be harmonious with the surrounding area, Chairman Wilson called for a motion.

Motion: Commissioner Balen MOVED to table approval of the Preliminary Subdivision plat for Fernwood Sky Ranch Phase 6 LLC to the Residential Estate (RE-40) zone. Commissioner Stucki SECONDED. The motion carried with all four (4) Commissioners voting in favor.

IV. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on March 05, 2013; County initiated.

Mr. Messel reported on the items discussed at Staff Meeting held on April 02, 2013. He stated no action was taken on any of the items which included the following:

1. Browse Minor Subdivision. A one lot subdivision.
2. Grassy Meadows Sky Ranch Phase 6.
3. Conditional Use for a Second Dwelling for Kerry Lee.

Mr. Clarke commented on the roads standards being requested by Hurricane. Hurricane does not require sidewalk, curb, and gutter. Our ordinance only gives one exception to not install those and that is in the event of scattered parcels fronting a street or road that has not been engineered in its entirety for such improvements.

The commission and staff discussed Ordinance 11-5-3C-2 regarding street improvements and requirements of the County.

A short discussion regarding the items discussed in the staff meeting occurred. Clarification was requested and provided regarding the Lee permit.

V. MINUTES. Consider approval of the minutes of the regular planning commission meetings held on March 12, 2013.

The commission reviewed the March 12, 2013 minutes and made corrections.

Motion: Commissioner Stucki MOVED to approve the Minutes of March 12, 2013 with the correction discussed. Commissioner Cropper SECONDED. The motion carried with all four (4) Commissioners voting in favor.

VI. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on planning items; County initiated.

There were no items on the commission agenda.

VII. COMMISSION & STAFF REPORTS. General reporting on various topics; County initiated.

The commission and staff discussed the following items:

1. Proposed Fitness Camp/Residential Facility for Disabled.
2. Campground Ordinance.
3. Need to create definition for Temporary Structures.
4. Boarding House/Bed & Breakfast uses.

Mr. Clarke stated he forgot to add something to the agenda. He wanted to inform the commission of the status of the RS2477 lawsuit. He reported the suit had been filed and an agreement was reached on how the case would proceed as far as the legal issues. They will be starting depositions for the elderly people to be admitted in as evidence. The case will be heard in the 10th Circuit Court.

Mr. Clarke then reported on the items above and asked for direction on how to address some of the issues that have come up regarding rentals mostly short time rentals.

The commission responded they would like to see what other cities and counties are doing. Staff and commission discussed how to move forward with these types of rentals. The commission thought the property owners should be allowed to rent their properties as they would like as long as the properties do not become a nuisance.

Mr. Messel discussed campgrounds, yurts, and people wanting to utilize their land with temporary structures. He asked the commission for a direction they would like to take with this type of use. He described and showed the commission pictures of yurts. Mr. Clarke stated he gets calls all the time regarding temporary structures and regulations for them. After a discussion regarding the temporary structures, the commission agreed to have staff look into updating an ordinance to take care of possible issues and problems.

Commissioner Stucki moved to adjourn the meeting at 3:50 p.m.

Doreen Bowers-Irons, Planning Secretary

Approved: 11 June 2013